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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,300	10/22/2001	Laurent Mainard	4444-024	8931

22429 7590 12/16/2004

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EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,300

Applicant(s)

MAINARD ET AL.

Examiner

Joseph T Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 rejected under 35 U.S.C. 102(e) as being anticipated by Ito, Patent

#5,999,126.

Regarding claim 1, Ito teaches a transmission system for services linked to relevant geographic zones(Fig.1), said system comprising:

at least one transmitter for transmitting said services into said relevant zones (Fig.2 and col.5 lines 25-41);

a receiver comprising a receiver sub-assembly for receiving said services, a locating unit for determining the geographic position of said receiver(Fig.1) and a switching unit for switching said receiver sub-assembly for enabling said receiver sub-assembly to receive at least one service linked to at least one relevant zone corresponding to the geographic position ascertained by said locating unit(Fig.2 and col.10 lines 49-65)

wherein: while transmitting services linked overlapping relevant zones, said transmitter is arranged to transmit descriptions of the relevant zones, addresses of the services linked to the relevant zones, and descriptions and addresses of services of neighboring

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relevant zones(Fig.11A, Fig.13A-Fig.13D, col.9 lines 30-56, col.10 lines 49-65, and col.11 lines 14-24).

Regarding claim 2, Ito teaches a services transmission system as claimed in claim 1, wherein at least one relevant geographic zone among said zones overlaps at least one neighboring relevant zone(Fig.11A-Fig.11B).

Regarding claim 3, Ito teaches a services transmission system as claimed in claim 1, wherein each relevant geographic zone is defined by a set of geometric features(Fig.11A-Fig.11B).

Regarding claim 4, Ito teaches a services transmission system as claimed in claim 3, wherein at least one relevant geographic zone is determined by a closed set of geometric features defining one or more polygons defining at least one polygon(Fig.11A-Fig.11B; 5 multiple zones defines a polygon; specification does not detail polygonal zones as specific to invention).

Regarding claim 5, Ito teaches a services transmission system as claimed in claim 4, wherein at least one apex of at least one of said one or more polygons is coincident with road markers(Fig.13A-Fig.13D, col.9 lines 30-56, col.10 lines 49-65, and col.11 lines 14-24).

Regarding claim 6, Ito teaches a services transmission system as claimed in claim 1, wherein some of said relevant zones are included rigorously within other said relevant zones (Fig.11A-Fig.11B; Fig.13A).

Regarding claim 7, Ito teaches a services transmission system as claimed in claim 1, wherein each transmitter is also arranged to transmit optional information about

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data density and service quality(Fig.13A-Fig.13D; col.11 lines 7-col.12 line 21; Data density and service quality is included in optional music transmittal).

Regarding claim 8, Ito teaches a receiver for receiving services linked to relevant geographic zones and transmitted by at least one transmitter, said receiver comprising: a locating unit for determining a geographic position of said receiver, a receiver sub-assembly which, simultaneously with said receiver, is arranged for receiving: the services linked to the zones wherein said receiver is located, descriptions of the relevant zones, addresses of the services linked to the relevant zones, and descriptions and addresses of relevant zones; and services of neighboring a switching unit for receiving said descriptions and switching said receiver sub-assembly so that said receiver sub-assembly can receive at least one of the services linked to at least one of relevant zones corresponding to geographic position ascertained by said locating unit(Fig.1, Fig.13A-13D, col.9 lines 30-56, col.10 lines 49-65, and col.11 lines 14-24)..

Regarding claim 9, Ito teaches a receiver as claimed in claim 8, further including an actuator for enabling a user to activate the switching unit according to when the geographic position determined by said locating unit corresponds to boundaries of a relevant zone situated within one or more other relevant zones(Fig.13A-13D).

Regarding claim 10, Ito teaches a receiver as claimed in claim 8, wherein said receiver sub-assembly is arranged for receiving information on density data and service quality, said receiver sub-assembly further including a user selector for enabling a user to select at least one of data density and service quality applied to the switching unit such that said switching unit able switch said receiver sub-assembly to receive the

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services linked to the relevant zones of which at least one of the data density and the service quality correspond to said user's selection(Fig.13A-Fig.13D; col.11 lines 7-col.12 line 21; Data density and service quality is included in optional music transmittal).

Regarding claim 11, Ito teaches a receiver as claimed in claim 8, wherein the locating unit is fitted with an extrapolation function for instantaneously determining vehicle position based on previously sorted coordinates(Fig.1 and col.1 line 55-col.2 line 42).

Regarding claim 12, Ito teaches a method transmitting services linked relevant geographic zones, said method comprising: transmitting said services into said relevant zones;

receiving said services at a receiver in one of said zones;

determining the geographic position of said receiver; receiver site at least one service linked to receiving at the at least one relevant zone corresponding the determined geographic position; transmitting descriptions of the relevant zones, addresses of the services linked to the relevant zones, and descriptions and addresses of services of neighboring relevant zones while transmitting the services linked to a plurality of the relevant zones that overlap(Fig.13A-Fig.13D, col.9 lines 30-56, col.10 lines 49-65, and col.11 lines 14-24).

Response to Arguments

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP

December 13, 2004



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SUPERVISORY PATENT EXAMINER
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